

REMARKS

This is intended as a full and complete response to the Office Action dated September 29, 2004, having a shortened statutory period for response set to expire on December 29, 2004. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-29 are pending in the application. Claims 1-12 and 15-31 remain pending following entry of this response. New claims 30-31 have been added to recite aspects of the invention. Applicants submit that the amendments and new claims do not introduce new matter.

Claims 1-29 stand rejected under 35 USC § 103(a) as being unpatentable over *Carino, Jr.* (US 6,353,818) in view of *Golding et al.* (6,640,218). Applicants respectfully traverse the rejections.

ALL LIMITATIONS

A *prima facie* case of obviousness under 35 U.S.C. 103(a) requires that "all limitations must be taught or suggested by the prior art". MPEP § 2143.03. In this case, Applicants submit that all limitations are not taught or suggested by the art cited by the Examiner.

The rejected claims are directed to "selectively logging query implementation information of a query." Accordingly, each claim recites some conditional language regarding whether or not query implementation information will be logged for a given query. For example, claim 1 recites "determining whether query implementation information should be logged for the query". Neither of the cited references recite such a step. Further, neither of the references teach "query implementation information", i.e., information that characterizes usage of system resources needed to execute a query according to an execution plan.

Golding provides a system and method for estimating the relative usefulness (with respect to a particular purpose, such as a set of user defined criteria) of an item of information in a collection of information. *Golding* is applicable to ordering the search results of a database search, such as the search results returned by an Internet search

engine. Generally, *Golding* ranks search results on the basis of objective criteria (referred to by *Golding* as a "relevance metric") and subjective criteria (referred to by *Golding* as "qualitative criteria"). Using these criteria, the ultimate relative usefulness of an item can then be estimated by estimating the item's popularity based on its relevance, and then correcting that estimate using the item's quality-based correction factor, where the quality-based correction factor indicates how much a purely relevance based prediction must be "corrected" in order to produce a prediction that takes both relevance and quality into account. (See, e.g., 4:40-67 and 5:1-26.)

Thus, *Golding* is specifically directed to calculating a "usefulness" of an item to a user performing a search. The usefulness can then be the basis for ranking the search results of a search. Thus, the entire focus of *Golding* is ranking search results in a manner that is more meaningful to a user. The particulars of the actual execution of queries is not an issue for *Golding*. Thus, in no sense does *Golding* disclose or suggest logging query implementation information, i.e., information that characterizes usage of system resources needed to execute a query according to an execution plan. It follows that in no sense does *Golding* disclose or suggest determining whether to log query implementation information.

The foregoing conclusions are further supported by the fact that none of the logs disclosed by *Golding* contain query implementation information. Two logs are disclosed by *Golding*: a query log 140 and a click log 150. The query log 140 of *Golding* includes a set of query records 170. (6:33.) Each query record 170 includes a normalized query 172, and a query count 174 representing the number of times the query was previously received by the search engine 120 from a user. (*Id.*) The click log 150 contains a set of click records 180, identifying every instance in which a user "clicked" on (i.e., selected) an item returned by the search engine. (6:43-45.) Each click record 180 includes a URL 182 selected by the user, the particular normalized query 184 for which the URL was returned to the user who did the selection, and a relevance rank 186 of the URL with respect to the query. (*Id.*) Thus, *Golding* does not disclose query implementation information, nor does *Golding* disclose logging query implementation information and nor does *Golding* disclose whether to log query implementation information.

Further, Applicants respectfully note that the Examiner errs in suggesting that *Golding* discloses determining whether query implementation information should be logged is disclosed at 11:53-64. The logs referred to at 11:53-64 are the query log and the click log. As stated above, neither the query log nor the click log contain query implementation information. Thus, even assuming *Golding* discloses selective logging with respect to either the query log and/or the click log, the information being logged is not query implementation information. Further, the basis for any selective logging is a query's popularity (as evidenced by the number of times the query was asked for over a period of time), and not whether a threshold exceeds an execution metric.

Therefore, *Golding* does not teach, show or suggest "query implementation information" nor does *Golding* teach, show or suggest "determining whether query implementation information should be logged for the query". Therefore, the claims are believed to be allowable and allowance of the same is respectfully requested.

MOTIVATION

A *prima facie* case of obviousness under 35 U.S.C. 103(a) requires that "there must be some suggestion or motivation... to modify the reference or to combine reference teachings." MPEP § 2143. In this case, Applicants submit that there is no motivation to combine in the manner suggested by the Examiner.

As was noted above, the particulars of the actual execution of queries is not an issue for *Golding*. That is, the issues of query plan generation and selection are not relevant to *Golding* because these issues pertain to efficient performance of the database system, whereas *Golding* is concerned only with improving the relevance of results returned to a user. In contrast, *Carino* discloses a method of optimizing database queries with user-defined functions and is, therefore, specifically concerned with issues of query execution. Accordingly, the references are not all related except insofar as they generally relate to queries. In fact, the references are sufficiently different to be characterized as non-analogous art with respect to one another. But even if not non-analogous, a person skilled in the art would not be motivated to combine the references given their disparity.

It should be noted that since the references do not disclose each of the claimed limitations, as argued above, a combination as suggested by the Examiner is an impossibility. However, Applicants merely wish to highlight the significant technological differences the two references are directed to.

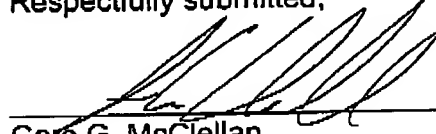
Therefore, *Golding* does not teach, show or suggest "query implementation information" nor does *Golding* teach, show or suggest "determining whether query implementation information should be logged for the query". Therefore, the claims are believed to be allowable and allowance of the same is respectfully requested.

Because Applicants believe the base claims are allowable, it follows that the respective dependent claims are also allowable. Accordingly, a detailed discussion of the dependent claims is not necessary. The claims are believed to be allowable and allowance of the same is respectfully requested.

In conclusion, the references cited by the Examiner do not teach, show, or suggest the invention as claimed.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



Gero G. McClellan
Registration No. 44,227
MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)